

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A non-aqueous electrolyte secondary battery in which metallic lithium is used as a negative active material, which comprises the following elements:

a positive electrode comprising a positive active material;

a negative electrode;

metallic lithium ~~electrically connected to~~ being in contact with said positive electrode;

and

an electrolyte.

2. (canceled).

3. (original): The non-aqueous electrolyte secondary battery according to Claim 1, wherein said negative electrode comprises a lithium-absorbable material.

4. (canceled).

5. (original): The non-aqueous electrolyte secondary battery according to Claim 1, comprising a porous polymer electrolyte as an electrolyte.

6. (canceled).

7. (original): The non-aqueous electrolyte secondary battery according to Claim 3, comprising a porous polymer electrolyte as an electrolyte.

8. (canceled).

9. (currently amended): A non-aqueous electrolyte secondary battery which is obtained by charging the non-aqueous electrolyte secondary battery according to any one of Claims 1, 3, 5, and 7 ~~to 8~~ to form metallic lithium on the negative electrode.

10. (currently amended): A process for the preparation of a non-aqueous electrolyte secondary battery comprising metallic lithium on a negative electrode, which comprises

a step of assembling a positive electrode ~~electrically connected to~~ being in contact with metallic lithium and a negative electrode into a non-aqueous electrolyte secondary battery, and

a step of forming metallic lithium on said negative electrode by charging the non-aqueous electrolyte secondary battery.

11. (currently amended): A process for the preparation of a non-aqueous electrolyte secondary battery comprising metallic lithium on a negative electrode, which comprises

a step of assembling a positive electrode comprising a positive active material into a non-aqueous electrolyte secondary battery, said positive active material containing at least one of lithium nickel oxide having a ratio of lithium atoms to oxygen atoms within the range of from greater than 0.5 to not greater than 1 or lithium manganese spinel having a ratio of lithium atoms to oxygen atoms within the range of from greater than 0.25 to not greater than 0.5,

a step of inserting said positive electrode into a battery case,

a step of inserting a negative electrode, which substantially does not comprise metallic lithium, into said battery case, and

a step of forming said metallic lithium on said negative electrode by charging the non-aqueous electrolyte secondary battery.

12. (original): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10, wherein said positive electrode comprises a current collector comprising aluminum.

13. (original): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10 or 12, wherein said charging begins within 2 hours after the contact of said positive electrode with electrolyte.

14. (original): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10 or 11, wherein said negative electrode comprises a lithium-absorbable material as a negative active material.

15. (original): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10 or 11, wherein said non-aqueous electrolyte secondary battery comprises a porous polymer electrolyte as an electrolyte.

16. (new): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10, which comprises the steps of:

inserting a negative electrode, which substantially does not comprise metallic lithium, into a battery case, and

then forming metallic lithium on said negative electrode by charging the non-aqueous electrolyte secondary battery.

17. (new): The process for the preparation of a non-aqueous electrolyte secondary battery according to Claim 10, which comprises a step of forming metallic lithium directly on a

current collector of said negative electrode by charging the non-aqueous electrolyte secondary battery.

18. (new): A process for the preparation of a non-aqueous electrolyte secondary battery comprising metallic lithium on a negative electrode, which comprises

a step of assembling a positive electrode comprising a positive active material into a non-aqueous electrolyte secondary battery, said positive active material containing at least one of lithium nickel oxide having a ratio of lithium atoms to oxygen atoms within the range of from greater than 0.5 to not greater than 1 and lithium manganese spinel having a ratio of lithium atoms to oxygen atoms within the range of from greater than 0.25 to not greater than 0.5,

a step of inserting said positive electrode and a negative electrode into a battery case, and

a step of forming metallic lithium directly on a current collector of said negative electrode by charging the non-aqueous electrolyte secondary battery.